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Mayor

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CONSERVATION COMMISSION MEETING MINUTES April 23, 2009 City Hall, Rm 209

Meeting called to order at 7:40 p.m.

MEMBERS PRESENT: S. Lunin, Vice-chair and acting Chair, J. Hepburn, N. Richardson, D. Dickson

MEMBERS ABSENT: I. Wallach, D. Green (arrived late), and R. Matthews (arrived late)

MEMBERS OF THE PUBLIC: See attached sign-in sheet

DPW Road Repair – RDA – for micro-surfacing of Islington Road, Rider Terrace, Duffield Road, Malvern Terrace, Kingswood Road, and Woodbine Street, and for application of thin mix overlay on Chesley Road and Keefe Avenue, which may be in one or more resource areas.

Report: This is DPW's annual roadway work, and no roads are slated for removal of asphalt or drainage work. A portion of Islington Road is in the 200 ft riverfront and has 3 catch basins draining to the Charles; Duffield Road has one catch basin at its end, nearest the river; Keefe has 2 CBs at the low spot in the center of the road that probably drain to the river. These CBs should be protected during the work from material that would enter the drain. Any masking of the CBs can be removed about 1 hr after the work is completed.

Meeting: Frank Nichols, Permits Engineer in the Engineering Department, was present to describe the project. The work proposed is minor. Resident Priscilla Leith of 162 Islington Road was present and said that more major work was needed on her road. Staff indicated a negative determination was in order, with the requirement that the catch basins be covered with tape for one (1) hour after the work.

Motion by J. Hepburn for a negative determination with the above condition. D. Dickson seconded the motion. Vote: All in favor. Motion passed.

D. Green and R. Matthews arrived at 7:45 p.m.

230 Lake Ave. -Crystal Lake Path construction – NOI – construction of handicapped access pathway behind 230 Lake Ave. in the 100 ft buffer to bank.

Report: The City paid for a conservation easement behind the house at 230 Lake Ave, and signed an agreement to have all work completed by October 10, so proposed starting date is July, when the ground should be dry. Work will actually begin in Levingston Cove and end on section of 230 Lake Ave purchased outright by the City, creating about 200 ft of new accessible path to connect the two city properties. One or two trees

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may need to be removed, but most vegetation on site is non-native and plan avoids removing any trees on bank. Silt soc is proposed between work and bank; some stockpiling of gravel on city property will be covered at end of day; excavated material will be removed from site.

Meeting: Frank Nichols, Permits Engineer in the Engineering Department, was present to describe the project. Members of the Commission expressed concern about protecting trees during construction, to avoid soil compression, root damage, or other harm to trees not targeted for removal. F. Nichols noted that, although the project is subject to the storm water regulations, the increase in run-off rate is very small. The path skirts the outer edge of the easement, to keep it as far from the resource area – the bank- as practicable. Abutter notification mailing receipts have been supplied. **Motion by D. Green to issue an OOC with standard conditions subject to appropriate mitigation for protection of adjacent tree roots, possibly, but not necessarily limited to matting and snow fence as determined by Environmental Planner. Second by N. Richardson. Vote: All in favor. Motion passed.**

30 Rogers St.-Crystal Lake Master Plan – RDA for proposed changes to the bathhouse, bank area, and parking lot at 20 Rogers St., 30 Rogers St., and a portion of 230 Lake Ave. in the 100 ft buffer to bank and bank area of Crystal Lake.

Report: Plan(s) submitted for discussion before finalizing recommendations. A big concern for me is that both plans call for enlargement of the beach area (with more sand to migrate into the water). Pictures taken on any clear day clearly show a large plume of sand in the water offshore of the beach area in front of the boat house and ramp area, and to a much lesser extent in front of the retaining wall. Drainage plans will be further developed when plans are nearer completion. DEP Superceding Order and Martha's comments are included from 2007 when the wall was repaired to provide background to the current jurisdictional issues.

Meeting: Janice Bourke, Crystal Lake Master Planning Task Force, and Amy Yuhaz, Planning Department presented. J. Bourke said there are two alternatives to the present structure: 1) a partial renovation and addition to the existing bathhouse, but preserving the “front” part of the building nearest the lake, and 2) a new building constructed in approximately the same area as the existing building but pulled back slightly from the lake. Both alternatives would increase the beach area, the first plan by 1,700 sf and the second by 3,200 sf. Both plans aim to preserve the existing number of parking spaces, but reduce the amount of impervious area overall by ~5,000 sf or 3,500 sf, respectively. Improved stormwater management is provided under both plans, although the details have not been finalized. Green recommends the new building, with parking located along the road. He also suggests the aquilator might need to be larger to handle a larger area, that any new construction needs to deal with the sewer problems on site – will need to pump it up to the street, if building remains at bottom of hill, a hard surface on paths for maintenance where steep, an emergency egress swale, and bioswales (like at Star Market), and said that a “flatter” beach is better. N. Richardson also thought an emergency swale would be helpful, but we need to get approval from MBTA to direct water onto their property. **Motion by D. Dickson for positive determination #4, requiring the applicant to file a Notice of Intent for proposed work. Vote: All in favor. Motion passed.**

32 Williams St. – NOI – continued from 2007- with plan for 2-family dwelling and driveway in riverfront to the Charles River. Commission members requested additional planting plan/information:

- 1) The scope of the mitigation area shown on the site plan as entire area between driveway and top of bank (1650 sf as stated in letter from VHB).
- 2) Above plan should indicate existing trees as individual plants on the plan.
- 3) Invasive species should be dug up, instead of treating with herbicide, if clumps small enough. The rose and knowtweed on the bank are probably relatively weak from previous cutting.
- 4) A de-watering plan is needed.
- 5) An Operations and Maintenance plan for the catch basin is needed.
- 6) A plan to try to reduce the size of the driveway.

S. Lunin asked whether the number of species proposed by VHB (3) for the mitigation area is sufficient. Planner recommended 7 species be used. S. Lunin requested material will be supplied in time for Planner to include in member packets for next meeting. Planting plan and reduction in impervious surface requested.

Report: New plan dated April 12, 2009 received April 15, shows entire area between driveway and tree line to be “Proposed Landscaped Buffer,” but individual trees not shown and no planting plan submitted – I am concerned that without an approved planting plan the site will end up as a lawn area with shrubs planted strategically at the sides. Plan notes say no excavation into water table so no de-watering plan needed, and silt fence is proposed for erosion and sediment control. Size of driveway has not been reduced, but asphalt has

been replaced with pavers. There is no stock-pile area shown and no room for one, so all excavated material should be removed from the site at the end of each day. If we get planting plan, do you want the planting area to be an on-going condition?

Meeting: Lisa Standley, VHB, brought in planting plan (list of plant species, number, and sizes to be installed for mitigation. Commission asked to review what they requested and what was submitted. On-going conditions were discussed and list formed: O&M plan and inspections of catch basin, all of mitigation planting area between driveway and riverbank, use hand-tools to dig up and remove invasives on bank, no herbicides or pesticides, and reduction in size of driveway to reduce asphalt/impervious area. **Motion by D. Green to issue OOC with standard plus special conditions as above, subject to getting plan showing individual trees on/near bank, planting plan included on site plan with a 5-ft snow storage area off driveway. S. Lunin, added that OOC not to be issued until new plan showing individual trees, planting plan and reduction in driveway size is approved by the Environmental Planner. Second by R. Matthews. Vote: R. Matthews, D. Green, J. Hepburn, D. Dickson voted “aye;” D. Dickson and N. Richardson voted “nay.” Motion passed.**

Nonantum Road – NOI – for reduction in pavement to one lane, drainage improvements, path widening, and plantings in the 100 ft riverfront to the Charles River.

Report: DCR owns the road and MA Highway will do the work, which falls mainly under redevelopment in riverfront to the Charles. No work is proposed in the area of bordering vegetated wetland (BVW) near the Yaht Club or within bordering land subject to flooding (BLSF). The proposal is to remove one lane from each direction as a traffic-calming measure, except at intersections, where the second lane will become a turn lane. The bike/pedestrian path will be widened in places to reach 10-ft width, and a planting strip will be widened or created between the path and the road, wooden or metal guard rails will be installed between the path and the roadway, and historic lightening will replace existing lightening. Several bio-swales will be created for treatment of run-off. Approximately 4 fully-grown trees that are growing into the roadway will be removed. A landscape plan is included that proposes to plant native woody and herbaceous plants except in the narrow roadway medians. Overall, the project proposes to remove 2,000 sf of impervious surface in Newton, improve drainage, and add native plantings, which will improve the capacity of Riverfront area to protect the interests of the Act. The Commission might want to consider whether to make it a requirement to use all native plants – they have agreed to use natives except in the median – and to plant in the fall. I also recommend filter fabric or similar measure under catch basins or grates, and a filter-mitt or filter-soc-type erosion and sediment control fence, rather than hay bales and silt fence for less disturbance of vegetation between the river and the work.

Meeting: Richard Kirby, LEC Environmental Consultants, Rick Corsi, MA Department of Conservation and Recreation (DCR), Richard Azzalina, Fay, Spofford & Thorndike, LLC, and Benjamin Morton, Carol R. Johnson Associates, Inc. were present for the project and provided a revised Stormwater Management Plan in response to DEP comments (revised April 22, 2009) concerning identification of best management plan (see below) and updated total suspended solids removal. The plan already proposes to use all native plants in Newton, even in the medians. Mr. Kirby explained that “bioretention cells” are ‘rain gardens’ that will help provide some infiltration of storm water. J. Hepburn read a letter from John and Phoebe Karakshian asking to have a retaining wall built in their yaad as part of the road construction. Several residents of Charlesbank Road mentioned concerns about the south side of Nonantum Road where the grade is steep, and there are a number of dead trees and unsightly/diseased shrubs. They asked if this area is within the jurisdiction of the Commission. S. Lunin asked the proponents if this area is within the 200 ft riverfront and owned by DCR. It is. S. Lunin then asked if it is possible to do some slope stabilization and clean-up that is low-maintenance. Mr. Corsi said it is possible. In response to discussion of Planner’s recommendations, it was noted that the proposed “historic lights” are ‘dark-sky compliant’ and the light is directed mainly toward the path and away from the river. **Motion by D. Dickson to issue OOC with standard conditions and special conditions to include no use of herbicides or pesticides, lighting to conform to DEP ‘dark-sky’ guidelines, slope stabilization of the south slope, and ongoing maintenance of swales – in perpetuity. Second by N. Richardson. Vote: All in favor. Motion passed.**

125 Wells Ave. – Solomon Schechter Day School –NOI for drainage improvements in the 100 ft buffer to bordering vegetated wetlands.

Report: Site visit confirms most of wetland line – small area close to back corner may not be BVW – no connection with other BVW. There is a trench between the edge of the lawn and the hill behind, with a headwall/outlet for drainage. Drainage from hill and under parking may be captured here and flow into small depression to keep it somewhat wet. All work is to try to repair existing drainage to keep site and building dry.

Meeting: Mark Piermarini and Fred Hamwey (Hamwey Engineering) and Jim Mitraro, Solomon Schechter School, described the project. Slight change in design (incorporation of an overflow spillway and show on plan detail) city engineer's comments. D. Green asked for fence around the flared end to protect people using the path and for rip-rap. Proponent agreed. **Motion by D. Green to issue OOC with standard conditions. Second by R. Matthews. Vote: All approved. Motion passed.**

45 Grayson Ln. – NOI - for a 530 sf addition within the 200 ft riverfront to the Charles River and within the 100 ft buffer zone to a bordering vegetated wetland.

Report: This is the last house on the west side of Grayson Lane, adjacent to wooded DCR land along the Charles. BVW estimated by surveyor in field – new plan & wetland report coming so you will know where your jurisdiction ends. Work is partially within the outer 100 ft of the 200 ft riverfront, and within the 100 ft buffer zone to bordering vegetated wetland as shown on the plan. The Owner proposes to remove about 145 sf of existing structure/impervious surface and replace it with a 530 sf addition and ~150 sf patio ~ same location. The addition will be about the same distance from the river and bordering vegetated wetland as the present structures – a proposed new concrete bulkhead is about 6 ft closer than previous structure. An alternatives analysis (written) is attached, and concludes there is no economically equivalent alternative and no adverse effect to the interests - no mitigation is offered. No erosion and sediment control shown on plan, with note to contractor to call for inspection. Overall impervious surface in riverfront will increase from 662 sf (7%) to 1151 sf (12%) on a 9620 sf lot.

Meeting: Owner Marta Geletkanycz, and consultant Cassandra Koutalidis, P.E. described the project. The bordering vegetated wetland line is farther from the work than originally shown on the plan (new plan dated ??). DCR-owned adjacent riverfront has lots of non-native invasive plants, including euonymous and barberry. Some native plantings for mitigation would be desirable. Commission members discussed with owner whether she would be willing to remove lawn area equivalent to footprint of new work and plant with native shrubs as on-going mitigation. Owner agreed. **Motion by D. Dickson to approve OOC with standard conditions and special on-going condition for mitigation area (as above). Second by D. Green. Vote: All in favor. Motion passed.**

750 Saw Mill Brook Pkwy.-request for Extension of OOC & partial Certificate of Compliance – applicant needs extension and PCOC from DEP and will provide update to the Commission.

Meeting: Ann Marten, LEC said they need an extension to complete the monitoring of the wetland restoration following installation of towers, fencing and underground wires. The meadow has come back very well, already. The final report on the Vernal Pools has been submitted. CC said they would have voted to extend, but it is DEP's decision.

9-11 Jaconnet St.-Request to extend OOC – request for 2-yr extension to complete mitigation. Commission gave owner 1 month to come into compliance with OOC, else will not grant extension.

Meeting: Planner reported that letter from John Rockwood has been received, stating that all visible ABC fill has been removed, berm has been raked (and is much lower), dead plants were removed and new ones installed. Planner conducted site visit, and site looks much improved, with gravel at end of road also removed. Back yard area still needs to be re-stabilized with seed. **Motion by D. Green to issue 2-yr extension. Second by N. Richardson. Vote: All approved. Motion passed.**

Violations –Updates

Houghton Garden – paint violation – Chair to send letter to B.C. students in response to last communication.

Meeting: Virtual communication not working to satisfaction of Commission. Planner to draft letter for S. Lunin to edit and sign, giving students choice of May or June to reappear before the Commission and expressing the Commission's dissatisfaction with the copy of the report submitted.

15 Harwich Rd –Violation –Have asked DEP to assist.

18 Rockland St.

394 Boylston St.

160 Pine St – Gazebo – new retaining wall is completed. Ted Jerdee is televising sewer manhole and contractor is re-stabilizing site.

1203&1211 Washington St.

93 Andrew St.

3 Fuller Ave.

Certificates of Compliance (*needs action)

MWRA at Kessler-awaiting as-built plans.

15 Marla Circle-mitigation plantings need to be re-planted, area documented, and MWRA easement clarified.

1676 Commonwealth – needs as-built plans.

11-19 Hargrove Circle – OOC expired in 2006. Recently contacted both owners; sites need as-built showing grades, area and layout of plantings, planting list, and a final site visit & approval of plantings. Both owners say they will comply this spring.

Announcements & General Business:

Performance Bond for mitigation – as standard condition in any OOC with mitigation? Wording in packet – **DRAFT**. Postponed to next meeting.

Open Space Plan – considerations and member to work on committee and with Conservators? Postponed to next meeting.

Nahanton Woods – Judy set up meeting.

Meeting: Motion by D. Dickson to appointment J. Hepburn as representative to the Nahanton Woods CR Trustee Board. Second by N. Richardson. Vote: All approved. Motion passed.

March, 2009 Meeting Minutes for approval

Meeting: Motion by R. Matthews to approve minutes of March meeting. Second by N. Richardson. Vote: All approved. Motion passed.

Reminder: Charles River Cleanup – Sat. Apr. 25th

Outstanding issues – discussion

Non-criminal ticketing – update – see packet for summary – Q: Does the Commission wish to ticket under the Watershed/Flood Zone only?

Other

Motion by D. Green to adjourn (at 11:15 p.m.). Second by N. Richardson. Vote: All approved. Motion passed.

Respectfully submitted,

Anne Phelps, Sr. Environmental Planner